

REMARKS

Claims 1-20 are pending in the present application. Claims 1, 4, 8, 13 and 15 are independent claims.

The specification has been revised slightly to correct minor informalities and to clarify the invention according to U.S. practice. These modifications do not add any new matter to the disclosure.

Corrected Formal Drawings

The drawings have been objected to because Figures 1 and 2 have informalities noted on PTO-948. To overcome this drawing objection, corrected formal Figures 1 and 2 are attached. Further, Figures 7 and 10 have been revised to correct typographical and grammatical errors. Figure 12 has also been corrected so that this Figure is presented in one sheet, instead of two sheets. Accordingly, the Examiner's approval of the attached five (5) replacement sheets (corrected Figures, 1, 2, 7, 10 and 12) and the entry of these sheets as part of the file record are respectfully requested.

35 U.S.C. §§ 102 and 103 Rejections

Claims 1-3 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Nozaki et al. (U.S. Patent No. 6,396,998). Claims 4-7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nozaki et al. in view of Chung et al. (U.S. Patent No. 6,389,569). Claims 15-20 have been

rejected under 35 U.S.C. § 103(a) as being unpatentable over Nozaki et al. further in view of Yen (U.S. Patent No. 6,381,694). These rejections are respectfully traversed.

Without acquiescing to any of the Examiner's allegations made in rejecting these claims, Applicants respectfully submit that Nozaki et al.'s U.S. filing date (September 5, 2000) is later than the filing dates of the foreign priority documents of the present application. Thus, to remove Nozaki et al. as prior art, the English translations of the foreign priority documents (Korean Patent Application No. 00-06479 filed February 11, 2000, No. 00-06483 filed February 11, 2000, No. 00-13669 filed March 17, 2000 and No. 00-14120 filed March 20, 2000) are attached hereto. Verified statements regarding the translations will be filed soon.

Thus, the rejections are moot and reconsideration and withdrawal of the rejections based on these reasons is respectfully requested.

Claims 1, 4 and 8-14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Orenshteyn (U.S. Patent No. 5,889,942) in view of Chung et al. This rejection is respectfully traversed.

Regarding independent claim 8, the Examiner correctly acknowledges that Orenshteyn does not disclose, *inter alia* "providing a message indicating that disk reproduction would be impossible after the file is renamed or moved, if the file type is one among pre-specified file types" as recited in independent claim 8. To correct this deficiency, the Examiner further relies on Chung et al.

and cites column 6, lines 15-30 of Chung et al., which allegedly teaches this missing step. However, Chung et al., including this portion cited by the Examiner, does not teach the missing claimed feature. Chung et al., instead, is directed to providing a warning message that a continuous *recording* is not possible because there is insufficient continuous storage. Thus, Chung et al.'s warning message pertains to a recording and not to a reproduction. Further, Chung et al. is completely silent on providing a message directed to reproduction after the file is re-named or removed.

Therefore, even if the references are combinable, assuming *arguendo*, the combination of references would not teach or suggest at least the above-noted features recited in independent claim 8.

Regarding other independent claims 1, 4 and 13, the Examiner has completely omitted any discussion on how the Examiner believes that these references render obvious these independent claims. Thus, clearly the Examiner fails to establish a *prima facie* case of obviousness regarding other independent claims 1, 4 and 13. In the alternative, similar reasons of non-obviousness as applied to independent claim 8 are applicable to independent claims 1, 4 and 13.

Accordingly, independent claims 1, 4, 8 and 13 and their dependent claims (due to their dependency) are patentable over the applied references, and reconsideration and withdrawal of the rejection based on these reasons is respectfully requested.

Claim 15 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ko et al. (U.S. Patent Application Publication No. 2002/0176341) in view of Yen (U.S. Patent No. 6,381,694). This rejection is respectfully traversed.

The Examiner alleges that Ko et al. discloses the steps (a) and (c) recited in claim 15, but not the step (b). To overcome this deficiency, the Examiner relies on Yen.

However, neither Ko et al. nor Yen is directed to checking a file *structure* with a standard file system pre-specified for a disk containing real-time data stream, and correcting the file *structure* if the file structure is against the standard file system. Ko et al. discloses a plurality of defect management areas DMAs 1-4, a disc test zone, and a drive test zone. The DMAs are used when there are physical defects (e.g., scratches) on the disc itself. The disc test zone is an area used by a disc manufacturer to check the status of the disc and the drive test zone is used to test recording and reproduction operations. All of these areas, however, are not used to check whether or not a file *structure* conforms to a standard file system pre-specified for a disk containing real-time data stream. Similarly, Yen is directed to running a recovery software when a particular software has an error. In other words, Yen replaces the software (contents of the files) and is not concerned with checking the file *structure* and correcting the file structure as in Applicants' claimed invention.

Therefore, even if the references are combinable, assuming *arguendo*, the combination of references would still fail to teach or suggest, *inter alia* “(a) checking whether or not a file structure formed in the rewritable disk conforms to a standard file system pre-specified for a disk containing real-time data stream; (b) correcting the file structure . . . if the file structure is against the standard file system” as recited in independent claim 15. Based on these reasons, the rejection should be withdrawn.

CONCLUSION

For the foregoing reasons and in view of the above clarifying amendments, Applicants respectfully request the Examiner to reconsider and withdraw all of the objections and rejections of record, and earnestly solicit an early issuance of a Notice of Allowance.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong (Registration No. 40,953) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

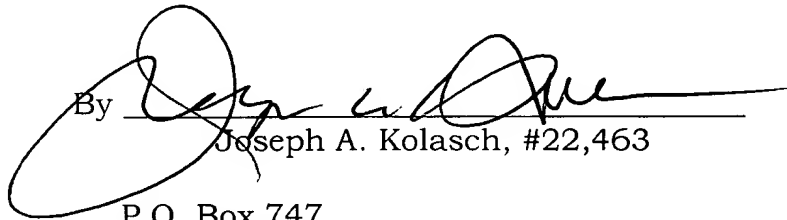
Applicant(s) respectfully petitions under the provisions of 37 C.F.R. § 1.136(a) and 1.17 for a one month extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of \$110.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASH & BIRCH, LLP

By

A handwritten signature in black ink, appearing to read "Joseph A. Kolasch", is written over a horizontal line.

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Enclosures: Five (5) replacements sheets (Figures 1, 2, 7, 10 and 12)
Verified English translations of the foreign priority documents
(Korean Patent Application No. 00-06479, No. 00-06483,
No. 00-13669 and No. 00-14120)